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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1315-MLM-E TCEQ ID: RN101265908 CASE NO.: 23808
RESPONDENT NAME: S.L.C. Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: SLC WSC, 245 County Road 755, Limestone County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 1, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Mr. Phillip Hampsten, SBP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Alan G. Hughes, President, S.L.C. Water Supply Corporation, 245 LCR 755, Groesbeck, Texas 76642 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 8, 2009</p> <p>Date of NOE Relating to this Case: July 9, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to employ at least one operator who holds a valid Class "B" or greater surface water license [30 TEX. ADMIN. CODE § 290.46(e)(6)(A) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.a.i.].</p> <p>2) Failure to provide an adequate air gap on the filter-to-waste line at the surface water treatment facility [30 TEX. ADMIN. CODE § 290.42(d)(2)(E) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.a.ii.].</p> <p>3) Failure to equip each filter unit with a manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator [30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.b.iii.].</p> <p>4) Failure to operate the disinfection equipment to maintain a minimum disinfection residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].</p> <p>5) Failure to maintain all Facility operation and maintenance records and have those records available for review by Commission personnel during the</p>	<p>Total Assessed: \$12,215</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$12,215</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This case involves a violation of a prior Agreed Order, When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on May 9, 2009, the Respondent completed flushing the Facility distribution lines and began maintaining a minimum disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>3) The Order will also require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop a record-keeping system to maintain Facility operation and maintenance records so that the records are available for review by Commission personnel during the inspection, including but not limited to the annual inspection report for the 80,000 gallon ground storage tank and completed customer service inspection reports; and</p> <p>ii. Repair the berm at the detention pond to prevent an unauthorized discharge of backwash water from escaping from the pond and flowing off-site.</p> <p>b) Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.;</p> <p>ii. Provide an appropriate air gap on the filter-to-waste line at the surface water treatment facility; and</p>

<p>inspection [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(E)(iv)].</p> <p>6) Failure to maintain the exterior coating on the clearwell in accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>7) Failure to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(2)(G) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>8) Failure to provide a raw waterer pumping capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>9) Failure to prevent an unauthorized discharge from a detention pond at the Facility. Specifically, on the date of the investigation, it was observed that a berm at the detention pond was in disrepair which caused backwash water to escape the pond, flow down a slope, and travel outside the fenced area of the Facility to adjacent land [TEX. WATER CODE § 26.121(c)].</p>		<p>iii. Equip each filter unit with a manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator.</p> <p>c) Within 90 days after the effective date of this Agree Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.b.ii and 3.b.iii; and</p> <p>ii. Employ a water works operator who holds a valid Class "B" or higher surface water license.</p> <p>d) Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.ii.</p> <p>e) Within 180 days after the effective date of this Agreed Order:</p> <p>i. Refurbish the clearwell so that it meets all AWWA standards and ensure that any newly installed coating conforms to American National Standards Institute/National Sanitation Foundation Standard 61 or replace the clearwell;</p> <p>ii. Provide a pressure tank capacity of 20 gallons per connection; and</p> <p>iii. Provide raw water pumping capacity of 0.6 gpm.</p> <p>f) Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.</p>
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Attachment A
Docket Number: 2009-1315-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: S.L.C. Water Supply Corporation
Payable Penalty Amount: Twelve Thousand Two Hundred Fifteen Dollars (\$12,215)
SEP Amount: Twelve Thousand Two Hundred Fifteen Dollars (\$12,215)
Type of SEP: Pre-approved
Third-Party Recipient: Keep Texas Beautiful – Texas Waterways Cleanup Program
Location of SEP: Limestone County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Keep Texas Beautiful to be used for the Texas Waterways Cleanup Program. Specifically, the contribution will be used to cleanup rivers, lakes, and shorelines, by supplying project coordination, labor, supplies, and materials for cleanup events and by providing assistance with disposal fees for proper disposal of wastes collected at events. To maximize the event, cleanups will use volunteers for labor. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving water quality of lakes, rivers, and creeks, reducing flooding caused by blockage of drainage outlets, reducing the potential threat to wildlife, decreasing damage to boats, and reducing injury to swimmers and bathers.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Hester Bloom, Program Manager
Keep Texas Beautiful
8850 Business Park Drive, Suite 200
Austin, Texas 78759

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

TCEQ	DATES	Assigned 7-Jul-2009	PCW 31-Jul-2009	Screening 27-Jul-2009	EPA Due 28-Feb-2010
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RESPONDENT/FACILITY INFORMATION	
Respondent S.L.C. Water Supply Corporation	
Reg. Ent. Ref. No. RN101265908	
Facility/Site Region 9-Waco	Major/Minor Source Minor

CASE INFORMATION	
Enf./Case ID No. 23808	No. of Violations 1
Docket No. 2009-1315-MLM-E	Order Type Findings
Media Program(s) Water Quality	Government/Non-Profit Yes
Multi-Media Public Water Supply	Enf. Coordinator Rebecca Glausowitz
	EC's Team Enforcement Team 2
Admin. Penalty \$ Limit Minimum \$0	Maximum \$10,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 \$1,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	85.0% Enhancement Subtotals 2, 3, & 7 \$850
Notes	The enhancement is due to ten prior Notices of Violation ("NOVs") containing violations that are dissimilar to the violations in the current enforcement action, two prior agreed orders containing a denial of liability, and one prior agreed order without a denial of liability.
Culpability	No 0.0% Enhancement Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.
Good Faith Effort to Comply Total Adjustments	Subtotal 5 \$0
Economic Benefit	0.0% Enhancement* Subtotal 6 \$0
Total EB Amounts \$31	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance \$500	
SUM OF SUBTOTALS 1-7	Final Subtotal \$1,850
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment \$0
Notes	
	Final Penalty Amount \$1,850
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$1,850
DEFERRAL	0.0% Reduction Adjustment \$0
Notes	No deferral is recommended for Findings Orders.
PAYABLE PENALTY	\$1,850

Screening Date: 27-Jul-2009

Docket No.: 2009-1315-MLM-E

PCW

Respondent: S.L.C. Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No.: 23808

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101265908

Media [Statute]: Water Quality

Enf. Coordinator: Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 85%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to ten prior Notices of Violation ("NOVs") containing violations that are dissimilar to the violations in the current enforcement action, two prior agreed orders containing a denial of liability, and one prior agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 85%

Screening Date 27-Jul-2009	Docket No. 2009-1315-MLM-E	PCW	
Respondent S.L.C. Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 23808		<i>PCW Revision October 30, 2006</i>	
Reg. Ent. Reference No. RN101265908			
Media [Statute] Water Quality			
Enf. Coordinator Rebecca Clausewitz			
Violation Number 1			
Rule Cite(s)	Tex: Water Code § 26.121(c)		
Violation Description	Failed to prevent an unauthorized discharge from a detention pond at the Facility. Specifically, on the date of the investigation, it was observed that a berm at the detention pond was in disrepair which caused backwash water to escape the pond, flow down a slope, and travel outside the fenced area of the Facility to adjacent land.		
	Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent <input type="text" value="0%"/>
Matrix Notes	The unauthorized discharge has exposed human health and the environment to insignificant amounts of pollutants which do not exceed levels that are protective of human health and environmental receptors.		
	Adjustment	\$9,000	
			\$1,000
Violation Events			
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="80"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	One quarterly event is recommended, calculated from the date of the investigation, May 8, 2009, to the date of case screening, July 27, 2009.		
Good Faith Efforts to Comply			0.0% Reduction <input type="text" value="\$0"/>
	Extraordinary	Before NOV NOV to EDRP/Settlement Offer	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
	Ordinary	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	N/A	<input checked="" type="checkbox"/> (mark with x)	
	<input type="checkbox"/>	<input type="checkbox"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	\$1,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount <input type="text" value="\$31"/>	Violation Final Penalty Total	\$1,850
		This violation Final Assessed Penalty (adjusted for limits)	\$1,850

Economic Benefit Worksheet

Respondent S.L.C. Water Supply Corporation
Case ID No. 23808
Reg. Ent. Reference No. RN101285908
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$500	8-May-2009	31-Mar-2010	0.90	\$1	\$30	\$31
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the berm and cease the unauthorized discharge from the detention pond, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$31



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	7-Jul-2009	Screening	27-Jul-2009	EPA Due	28-Feb-2010
	PCW	16-Nov-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	S.L.C. Water Supply Corporation		
Reg. Ent. Ref. No.	RN101266908		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	23808	No. of Violations	8
Docket No.	2009-1315-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Rebecca Clausewitz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$5,510

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 88.0% Enhancement Subtotals 2, 3, & 7 \$4,848

Notes: The enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action, nine prior NOV's with dissimilar violations, two prior agreed orders containing a denial of liability, and one prior agreed order without a denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$25

Economic Benefit 0.0% Enhancement Subtotal 6 \$0

Total EB Amounts \$11,539
 Approx. Cost of Compliance \$131,300
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$10,333

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$10,333

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,365

DEFERRAL 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings/Orders.

PAYABLE PENALTY \$10,365

Screening Date 27-Jul-2009

Docket No. 2009-1315-MLM-E

PCW

Respondent S.L.C. Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 23808

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101265908

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 88%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action, nine prior NOV's with dissimilar violations, two prior agreed orders containing a denial of liability, and one prior agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 88%

Screening Date 27-Jul-2009	Docket No. 2009-1315-MLM-E	PCW
Respondent S.L.C. Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 23808	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101265908		
Media [Statute] Public Water Supply		
Enf. Coordinator Rebecca Clausewitz		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(6)(A) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.a.i.	
Violation Description	Failed to employ at least one operator who holds a valid Class "B" or higher surface water license. Specifically, the Facility, which treats surface water and has less than 1,000 connections, should have a least one Class "B" operator employed at all times. However, on the date of the investigation, only one Class "C" operator was employed at the Facility.	
	Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Percent	10%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	0%
Matrix Notes	Failure to employ a Class "B" operator could result in improper operation of the Facility, exposing customers to significant amounts of contaminants which would not exceed levels protective of human health.	
	Adjustment	\$900
		\$100
Violation Events		
Number of Violation Events	6	Number of violation days
	480	
mark only one with an x	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
	Violation Base Penalty	\$600
Six quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1275-PWS-E, April 3, 2008, to the date of case screening, July 27, 2009.		
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV NOV to EDCRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$600
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$76	Violation Final Penalty Total
		\$1,128
This violation Final Assessed Penalty (adjusted for limits)		\$1,128

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
Case ID No.: 23808
Reg. Ent. Reference No.: RN101265908
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$700	3-Apr-2008	31-May-2010	2.16	\$76	n/a	\$76

Notes for DELAYED costs

The delayed cost includes the estimated amount for the current operator to obtain his Class "B" license, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1275-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$700

TOTAL

\$76

Screening Date 27-Jul-2009	Docket No. 2009-1315-MLM-E	PCW
Respondent S.L.C. Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 23808	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101266908		
Media [Statute] Public Water Supply		
Enf. Coordinator Rebecca Clausewitz		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(2)(E) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.a.ii.	
Violation Description	Failed to provide an appropriate air gap on the filter-to-waste line at the surface water treatment facility. Specifically, the air gap was found to be vaulted, which fails to meet the requirements for a proper air gap on the filter-to-waste connection.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	
				Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="0%"/>

Matrix Notes Failure to have an appropriate air gap in place could result in customers of the Facility being exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health.

Adjustment

\$100

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	x
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
single event	<input type="checkbox"/>	

Violation Base Penalty

Six quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1275-PWS-E, April 3, 2008, to the date of case screening, July 27, 2009.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
Case ID No.: 23808
Reg. Ent. Reference No.: RN101265908
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: No commas or \$						

Delayed Costs

	\$200	3-Apr-2008	30-Apr-2010	2.07	\$1	\$28	\$29
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to install an appropriate air gap on the filter-to-waste line, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1275-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

				0.00	\$0	\$0	\$0
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	TOTAL	\$29
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Screening Date: 27-Jul-2009	Docket No.: 2009-1315-MLM-E	PCW		
Respondent: S.L.C. Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 23808	<i>PCW Revision October 30, 2009</i>			
Reg. Ent. Reference No.: RN101266908				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Rebecca Clausewitz				
Violation Number: 3				
Rule Cite(s):	30 Tex. Admin. Code § 290.42(d)(11)(D)(I) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.b.iii.			
Violation Description:	Failed to equip each filter unit with a manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator. Specifically, the two filters at the surface water treatment facility do not have manually adjustable rate-of-flow controllers installed.			
Base Penalty:		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Failure to have adjustable rate-of-flow controllers installed could result in improper treatment of the surface water, causing customers of the Facility to be exposed to significant amounts of contaminants, which would exceed levels protective of human health.			
Adjustment:				\$750
				\$250
Violation Events				
Number of Violation Events <input type="text" value="16"/>		Number of violation days <input type="text" value="480"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty <input type="text" value="\$4,000"/>				
Sixteen monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1275-PWS-E, April 3, 2008, to the date of case screening, July 27, 2009.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$4,000
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$290"/>		Violation Final Penalty Total		<input type="text" value="\$7,520"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$7,520"/>

Economic Benefit Worksheet

Respondent S.L.C. Water Supply Corporation
Case ID No. 23808
Reg. Ent. Reference No. RN101265908
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$2,000	3-Apr-2008	30-Apr-2010	2.07	\$14	\$277	\$290
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to purchase and install rate-of-flow controllers on the two filters at the Facility, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1275-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$290
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Screening Date: 27-Jul-2009	Docket No.: 2009-1315-MLM-E	PCW
Respondent: S.L.C. Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No.: 23808	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No.: RN101265908		
Media [Statute]: Public Water Supply		
Enf. Coordinator: Rebecca Clausewitz		
Violation Number: 4		
Rule Cite(s):	30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(B)	
Violation Description:	Failed to operate the disinfection equipment to continuously maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system. Specifically, on the date of the investigation, the total chlorine residual within the distribution system was measured to be 0.14 mg/L at sample sites 7 and 8, as noted in the Facility's monitoring plan.	
Base Penalty:		\$1,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Major Moderate Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percent		10%
>> Programmatic Matrix		
	Major Moderate Minor	
Falsification	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%
Matrix Notes:	Failure to maintain the disinfectant residual could result in exposure of customers of the Facility to significant amounts of contaminants, which would not exceed levels protective of human health.	
Adjustment:		\$900
		\$100
Violation Events		
Number of Violation Events:	1	Number of violation days: 1
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>
Violation Base Penalty:		\$100
One single event is recommended based on the date of the investigation.		
Good Faith Efforts to Comply		\$25
	25.0% Reduction	
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	(mark with x)	
Notes:	The Respondent achieved compliance with this violation on May 9, 2009.	
Violation Subtotal:		\$75
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount:	\$100	Violation Final Penalty Total: \$163
This violation Final Assessed Penalty (adjusted for limits):		\$163

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
Case ID No.: 23808
Reg. Ent. Reference No.: RN101265908
Media: Public Water Supply
Violation No.: 4

Percent Interest:	Years of Depreciation:
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	8-May-2009	8-May-2009	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight and maintenance that could have prevented the low disinfectant residual, calculated for the date the low residual was documented.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 27-Jul-2009	Docket No. 2009-1315-MLM-E	PCW	
Respondent S.L.C. Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 23808	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101265908			
Media [Statute] Public Water Supply			
Enf. Coordinator Rebecca Clausewitz			
Violation Number 5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(E)(iv)		
Violation Description	Failed to maintain Facility operation and maintenance records and have those records available for review by Commission personnel during the inspection. Specifically, the annual inspection report for the 80,000 gallon ground storage tank and completed customer service inspection reports were unavailable for review.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			0%
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Percent
			1%
Matrix Notes	Less than 80% of the rule requirement was not met.		
Adjustment		\$990	
		\$10	
Violation Events			
Number of Violation Events		80	Number of violation days
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			\$10
Good Faith Efforts to Comply		0.0% Reduction	\$0
	Before NOV	NOV to EDRP/ Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$10	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$4	Violation Final Penalty Total	\$19
This violation Final Assessed Penalty (adjusted for limits)		\$50	

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
Case ID No.: 23808
Reg. Ent. Reference No.: RN101265908
Media: Public Water Supply
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	8-May-2009	31-Mar-2010	0.90	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost include the estimated amount to create and begin maintaining a record keeping system for the tank inspection reports and the customer service inspection reports, caculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$100	TOTAL	\$4
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Screening Date	27-Jul-2009	Docket No.	2009-1315-MLM-E	PCW
Respondent	S.L.C. Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	23808			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101265908			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Rebecca Clausewitz			
Violation Number	6			
Rule Cite(s)	30.Tex. Admin. Code § 290.43(c)(8)			
Violation Description	Failed to maintain the exterior coating on the clearwell in accordance with American Water Works Association ("AWWA") standards. Specifically, on the date of the investigation, there were several areas of excessive rust and pitting observed on the tank.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>
				Percent <input type="text" value="10%"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

If the clearwell's coating is not maintained in accordance with AWWA standards, the clearwell could become rusted, weak, and susceptible to leakage and could result in customers of the Facility being exposed to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

	<input type="text" value="1"/>	<input type="text" value="30"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		Violation Base Penalty <input type="text" value="\$100"/>
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			

One quarterly event is recommended, calculated from the date of the investigation, May 8, 2009, to the date of case screening, July 27, 2009.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
Case ID No.: 23808
Reg. Ent. Reference No.: RN101265908
Media: Public Water Supply
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$120,000	8-May-2009	31-Jul-2010	1.23	\$492	\$9,841	\$10,333
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to replace the 200,000 gallon clearwell or to refurbish the clearwell to meet AWWA standards, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$120,000	TOTAL	\$10,333
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Screening Date: 27-Jul-2009 **Docket No.:** 2009-1315-MLM-E **PCW**
Respondent: S.L.C. Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No.: 23808 *PCW Revision October 30, 2009*

Reg. Ent. Reference No.: RN101265908
Media [Statute]: Public Water Supply
Enf. Coordinator: Rebecca Clausewitz

Violation Number: 7

Rule Cite(s): 30 Tex. Admin. Code § 290.45(b)(2)(G) and Tex. Health & Safety Code § 341.0315(c)

Violation Description:

Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, with 525 connections, the Facility must provide a minimum of 10,500 gallons of pressure tank capacity. The Facility currently provides only 10,000 gallons of pressure tank capacity, which is a 4% deficiency.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes:

Failure to provide adequate pressure tank capacity could result in low pressure or backflow problems which could cause customers of the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment: \$950

\$50

Violation Events

1

80 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty: \$50

One single event is recommended.

Good Faith Efforts to Comply

.00% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes:

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$689

Violation Final Penalty Total: \$94

This violation Final Assessed Penalty (adjusted for limits): \$94

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
 Case ID No.: 23808
 Reg. Ent. Reference No.: RN101265908
 Media: Public Water Supply
 Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$8,000	8-May-2009	31-Jul-2010	1.23	\$33	\$656	\$689
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an additional 500 gallons of pressure tank capacity, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$689

Screening Date 27-Jul-2009 **Docket No.** 2009-1315-MLM-E **PGW**
Respondent S.L.C. Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 23808 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101265908
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz
Violation Number 8
Rule Cite(s) 30 Tex. Adm'n. Code § 290.45(b)(2)(A) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a raw water pumping capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, with 525 connections, the Facility must provide a minimum pumping capacity of 315 gpm. The Facility currently has two 300 gpm pumps, and with one pump out of service the Facility can only provide a total of 300 gpm, which is a 5% deficiency.
Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Without sufficient raw water pumping capacity, customers of the Facility could experience water shortages thereby exposing customers to an insignificant amount of contaminants, which would not exceed levels protective of human health.

Adjustment \$960

Violation Events \$50

Number of Violation Events: 1 80 Number of violation days
 mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$17 **Violation Final Penalty Total** \$94
This violation Final Assessed Penalty (adjusted for limits) \$94

Economic Benefit Worksheet

Respondent: S.L.C. Water Supply Corporation
Case ID No.: 23808
Reg. Ent. Reference No.: RN101265908
Media: Public Water Supply
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: No commas or \$						

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	8-May-2009	31-Jul-2010	1.23	\$1	\$16	\$17
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an additional 15 gpm of raw water pumping capacity, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$17

Compliance History Report

Customer/Respondent/Owner-Operator: CN600697015 S.L.C. Water Supply Corporation Classification: Rating:
Regulated Entity: RN101265908 S L C WSC Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1470031
WATER LICENSING LICENSE 1470031
Location: 245 County Road 755, Limestone County, Texas
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: July 31, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2004 to July 31, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/10/2005 ADMINORDER 2004-1133-PWS-E

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Exceeded the MCL for TTHM during the 1st two qtrs. of 2004.

Effective Date: 12/30/2005 ADMINORDER 2005-0108-PWS-E

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(H)
Description: Failure to provide emergency power.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
5A THC Chapter 341, SubChapter A 341.033(a)
Rqmt Prov: Ordering Provision 2.a.i. ORDER
Description: Failure to employ at least one operator who holds a valid Class B or higher surface water license.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to provide an up-to-date chemical and microbiological monitoring plan.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
Description: Failure to properly screen the air release devices in the distribution system.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder-resistant fence in order to protect the pressure tanks and standpipe.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: Failure to maintain the buoys in place at the raw water intake.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)
Description: Failure to properly store chlorine cylinders.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure to properly identify all water treatment plant piping.

Effective Date: 04/03/2008

ADMINORDER 2007-1275-PWS-E

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
5A THC Chapter 341, SubChapter A 341.033(a)
Rqmt Prov: Ordering Provision 2.a.i. ORDER
Description: Failure to employ at least one operator who holds a valid Class B or higher surface water license.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
Description: Failure to provide an appropriate air gap on the filter-to-waste line.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(ii)
Description: Failure to equip each filter with an on-line turbidimeter and recorder which will allow the operator to determine the turbidity at 15-minute intervals.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
Description: Failure to properly screen air release devices in the distribution system.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the water system to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
Description: Failure to equip each filter unit with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to maintain the water system's clearwell and all associated appurtenances are thoroughly tight against leakage.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
Description: Failure to provide the roof hatch on the clearwell with a gasket to form a positive seal that prevents insects and other possible contaminants from entering the water supply.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

Date: 09/28/2007 (652820) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5

Date: 11/15/2007 (653104) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 11/15/2007 (653105) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5

Date: 01/22/2008 (614164) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Exceeded the MCL for TTHM during the 1st two qtrs. of 2004.

Date: 02/08/2008 (652173) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 02/08/2008 (652174) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/22/2004	(292225)
2	12/28/2004	(341683)
3	01/20/2006	(436906)
4	07/24/2006	(487102)
5	05/18/2007	(652344)
6	05/18/2007	(652345)
7	06/28/2007	(562326)
8	09/28/2007	(652819)
9	09/28/2007	(652820)
10	11/15/2007	(653104)
11	11/15/2007	(653105)
12	01/18/2008	(614164)
13	02/08/2008	(652173)
14	02/08/2008	(652174)
15	02/15/2008	(618028)
16	07/03/2009	(745304)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/20/2006 (487102) CN600697015
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(H)
Description: Failure to provide emergency power.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
5A THC Chapter 341, SubChapter A 341.033(a)
Ordering Provision 2.a.i. ORDER
Description: Failure to employ at least one operator who holds a valid Class B or higher surface water license.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to provide an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Ordering Provisions 2.a.i.- ii., 2.b.i. ORDER
Description: Failure to comply with the Ordering Provisions of Commission Order 2005-0108-PWS-E.

Date: 05/18/2007 (652344) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 05/18/2007 (652345) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5

Date: 09/28/2007 (652819) CN600697015
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
S.L.C. WATER SUPPLY CORPORATION
RN101265908**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1315-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding S.L.C. Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 245 County Road 755 in Limestone County, Texas (the "Facility") that has approximately 525 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not employ a water works operator who holds a valid Class "B" or higher surface water license. Specifically, the Facility, which treats surface water and has less than 1,000

connections, should have a least one Class "B" operator employed at all times. However, on the date of the investigation, only one Class "C" operator was employed at the Facility.

4. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not provide an appropriate air gap on the filter-to-waste line at the surface water treatment facility. Specifically, the air gap was found to be vaulted, which fails to meet the requirements for a proper air gap on the filter-to-waste connection.
5. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not equip each filter unit with a manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator. Specifically, the two filters at the surface water treatment facility do not have manually adjustable rate-of-flow controllers installed.
6. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not operate the disinfection equipment to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system. Specifically, on the date of the investigation, the total chlorine residual within the distribution system was measured to be 0.14 mg/L at sample sites 7 and 8, as noted in the Facility's monitoring plan.
7. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not maintain Facility operation and maintenance records and have those records available for review by Commission personnel during the inspection. Specifically, the annual inspection report for the 80,000 gallon ground storage tank and completed customer service inspection reports were unavailable for review.
8. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not maintain the exterior coating on the clearwell in accordance with American Water Work Association ("AWWA") standards. Specifically, on the date of the investigation, there were several areas of excessive rust and pitting observed on the tank.
9. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not provide a pressure tank capacity of 20 gallons per connection. Specifically, with 525 connections, the Facility must provide a minimum of 10,500 gallons of pressure tank capacity. The Facility currently provides 10,000 gallons of pressure tank capacity, which is a 4% deficiency.
10. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not provide a raw water pumping capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, with 525 connections, the Facility must provide a minimum pumping capacity of 315 gpm. The Facility currently has two 300 gpm pumps, and with one pump out of service the Facility can only provide a total of 300 gpm, which is a 5% deficiency.
11. During an investigation conducted on May 8, 2009, TCEQ staff documented that the Respondent did not prevent an unauthorized discharge from a detention pond at the Facility. Specifically, on the date of the investigation, it was observed that a berm at the detention pond was in disrepair, which was causing backwash water to escape the pond and flow off site.
12. The Respondent received notice of the violations on July 10, 2009.

13. The Executive Director recognizes that on May 9, 2009, the Respondent completed flushing the Facility distribution lines and began maintaining a minimum disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 26, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to employ at least one operator who holds a valid Class "B" or higher surface water license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(A) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.a.i.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide an appropriate air gap on the filter-to-waste line at the surface water treatment facility, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.a.ii.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to equip each filter unit with a manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i) and TCEQ Agreed Order Docket No. 2007-1275-PWS-E, Ordering Provision 2.b.iii.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain all Facility operation and maintenance records and have those records available for review by Commission personnel during the inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(E)(iv).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to maintain the exterior coating on the clearwell in accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(G) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
9. As evidenced by Findings of Fact No. 10, the Respondent failed to provide a raw water pumping capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

10. As evidenced by Findings of Fact No. 11, the Respondent failed to prevent an unauthorized discharge from a detention pond at the Facility, in violation of TEX. WATER CODE § 26.121(c).
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Health and Safety Code and the Tex. Water Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of Twelve Thousand Two Hundred Fifteen Dollars (\$12,215) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 7.053. Twelve Thousand Two Hundred Fifteen Dollars (\$12,215) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twelve Thousand Two Hundred Fifteen Dollars (\$12,215) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: S.L.C. Water Supply Corporation, Docket No. 2009-1315-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 12 above, Twelve Thousand Two Hundred Fifteen Dollars (\$12,215) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Develop a record-keeping system to maintain Facility operation and maintenance records so that the records are available for review by Commission personnel during the inspection, including but not limited to the annual inspection report for the 80,000 gallon ground storage tank and completed customer service inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Repair the berm at the detention pond to prevent an unauthorized discharge of backwash water from escaping from the pond and flowing off-site.
- b. Within 60 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
 - ii. Provide an appropriate air gap on the filter-to-waste line at the surface water treatment facility, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Equip each filter unit with an manually adjustable rate-of-flow controller that includes a rate-of-flow indicator or a flow control valve with an indicator, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- c. Within 90 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.b.ii and 3.b.iii; and
 - ii. Employ a water works operator who holds a valid Class "B" or higher surface water license, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.ii.
- e. Within 180 days after the effective date of this Agreed Order:
- i. Refurbish the clearwell so that it meets all AWWA standards and ensure that any newly installed coating conforms to American National Standards Institute/ National Sanitation Foundation Standard 61 or replace the clearwell, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - ii. Provide a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide a raw water pumping capacity of 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45.

- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Quinn
For the Executive Director

1/29/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of S.L.C. Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of S.L.C. Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, S.L.C. Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Alan G. Hughes
Signature

11-30-09
Date

Alan G. Hughes
Name (Printed or typed)
Authorized Representative of
S.L.C. Water Supply Corporation

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2009-1315-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	S.L.C. Water Supply Corporation
Payable Penalty Amount:	Twelve Thousand Two Hundred Fifteen Dollars (\$12,215)
SEP Amount:	Twelve Thousand Two Hundred Fifteen Dollars (\$12,215)
Type of SEP:	Pre-approved
Third-Party Recipient:	Keep Texas Beautiful – Texas Waterways Cleanup Program
Location of SEP:	Limestone County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Keep Texas Beautiful to be used for the Texas Waterways Cleanup Program. Specifically, the contribution will be used to cleanup rivers, lakes, and shorelines, by supplying project coordination, labor, supplies, and materials for cleanup events and by providing assistance with disposal fees for proper disposal of wastes collected at events. To maximize the event, cleanups will use volunteers for labor. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving water quality of lakes, rivers, and creeks, reducing flooding caused by blockage of drainage outlets, reducing the potential threat to wildlife, decreasing damage to boats, and reducing injury to swimmers and bathers.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Hester Bloom, Program Manager
Keep Texas Beautiful
8850 Business Park Drive, Suite 200
Austin, Texas 78759

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

